

05-05-2003

Form PTO-1594  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

REC



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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

THE PANTRY, INC.

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation-State Delaware  
☐ Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Notice of Grant of Security Interest

Execution Date: April 14, 2003

## 2. Name and address of receiving party(ies)

Name: Wachovia Bank, National Association, as

Internal Administrative Agent

Address: CP-23

Street Address: 201 South College Street

City: Charlotte State: NC Zip: 28288

- ☐ Individual(s) citizenship \_\_\_\_\_  
☐ Association \_\_\_\_\_  
☐ General Partnership \_\_\_\_\_  
☐ Limited Partnership \_\_\_\_\_  
☐ Corporation-State \_\_\_\_\_  
☒ Other National Banking Association

If assignee is not domiciled in the United States, a domestic  
 representative designation is attached: ☐ Yes ☒ No  
 (Designations must be a separate document from assignment)  
 Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or registration number(s):

A. Trademark Application No.(s) See attached

B. Trademark Registration No.(s) see attached

Additional number(s) attached ☒ Yes ☐ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Steven D. Thomas

Internal Address: Moore &amp; Van Allen PLLC

Street Address: 2200 W. Main Street

Suite 800

City: Durham State: NC Zip: 27705

## 6. Total number of applications and registrations involved: 35

7. Total fee (37 CFR 3.41).....\$ 890.00

- ☒ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number:

50-2316

DO NOT USE THIS SPACE

## 9. Signature.

Steven D. Thomas

Name of Person Signing

00000152 2683350

Signature

May 1, 2003

Date

Total number of pages including cover sheet, attachments, and document: 5

05/02/2003 05:21 BYRNE 00000152 2683350

01 FC:8521  
02 FC:852240.00 OP  
850.00 OP

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patent & Trademarks, Box Assignments  
 Washington, D.C. 20231

TRADEMARK  
REEL: 002724 FRAME: 0133

# NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

United States Patent and Trademark Office

Gentlemen:

Please be advised that pursuant to the Amended and Restated Security Agreement dated as of April 14, 2003 (the "Security Agreement") by and among the Obligors thereto (each an "Obligor" and collectively, the "Obligors") and Wachovia Bank, National Association, as Administrative Agent (the "Administrative Agent") for the lenders referenced therein (the "Secured Parties"), the undersigned Obligor has granted a continuing security interest in and continuing Lien upon, the trademarks and trademark applications shown below to the Administrative Agent for the ratable benefit of the Secured Parties:

## TRADEMARKS

<u>Trademark No.</u>	<u>Description of Trademark</u>	<u>Date of Trademark</u>
2683350	AUNT M'S and Design	2/4/03
2683339	AUNT M'S CHICKEN and Design	2/4/03
2326263	FOOD CHIEF and Design	3/7/00
2333856	CONCESSIONS	3/21/00
2149628	P and Design	4/7/98
2122059	P THE PANTRY and Design	12/16/97
2180896	KNOCK OUT	8/11/98
1875705	HANDY WAY (Stylized)	1/24/95
1219408	FAST LANE	12/7/82
1199163	ME MARKET EXPRESS (Stylized)	6/22/82
1213614	FOOD CHIEF	10/19/82
1745986	LIL' CHILL (Stylized)	1/12/93
1557345	THE PANTRY and Design	9/19/89
1532395	WHEN YOU RUN OUT RUN OUT TO THE PANTRY	3/28/89
1482037	SNACKIN SAMS	3/22/88
1433356	CHICKEN N' BISCUITS and Design	3/17/87
1372925	WORTH and Design	11/26/85
1331174	BIG CHILL	4/16/85
1389273	POWER PERK	4/8/86
1167513	THE PANTRY	9/1/81
2088093	P THE PANTRY	8/12/97
2107794	THE GRILLING DEPOT	10/21/97
2348885	BEAN STREET COFFEE COMPANY	5/9/00
1365016	LIL' CHAMP FOOD STORE	10/8/85
2318479	K and Design	2/15/00
2237356	THE ROO	4/6/99
1722469	K KANGAROO and Design	10/6/92
1354632	KANGAROO	8/13/85

# TRADEMARK APPLICATIONS

<u>Trademark Application No.</u>	<u>Description of Trademark Applied For</u>	<u>Date of Trademark Application</u>
76493760	CELESTE	2/28/03
76448056	THE CHILL ZONE	9/9/02
76394440	CANDY LANE	4/10/02
76389324	CELESTE	3/28/02
76358384	KOALA and Design	1/14/02
76358383	KOALA and Design	1/14/02
76120396	BEAN STREET MARKET and Design	8/31/00

The Obligors and the Administrative Agent, on behalf of the Secured Parties, hereby acknowledge and agree that the security interest in the foregoing trademarks and trademark applications (i) may only be terminated in accordance with the terms of the Security Agreement and (ii) is not to be construed as an assignment of any trademark or trademark application.

Very truly yours,

THE PANTRY, INC.,  
a Delaware corporation

By: \_\_\_\_\_

Name: Daniel J. Kelly

Title: Chief Financial Officer, Vice  
President-Finance and Secretary

Acknowledged and Accepted:

WACHOVIA BANK, NATIONAL ASSOCIATION,  
as Administrative Agent

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

# NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

United States Patent and Trademark Office

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2237356	THE ROO	4/6/99
1722469	K KANGAROO and Design	10/6/92
1354632	KANGAROO	8/13/85

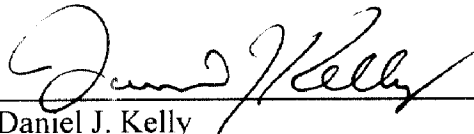
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Very truly yours,

THE PANTRY, INC.,  
a Delaware corporation

By:   
Name: Daniel J. Kelly  
Title: Chief Financial Officer, Vice  
President-Finance and Secretary

Acknowledged and Accepted:

WACHOVIA BANK, NATIONAL ASSOCIATION,  
as Administrative Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Steven D. Thomas**  
Attorney at Law

T 919 286 8122  
F 919 416 8322  
steventhomas@mvalaw.com

**Moore & Van Allen PLLC**

Offices:  
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Durham, NC 27705-4658

Mailing Address:  
Post Office Box 3843  
Durham, NC 27702-3843

May 1, 2003

**Via Express Mail:**  
**EV229692303US**

Commissioner of Patents and Trademarks  
**BOX ASSIGNMENTS**  
Washington, D.C. 20231

**Re: Recordation of Notice of Grant of Security Interest in Trademarks**  
**Attorney Docket Number: 512485-1126**


Dear Sir/Madam:

Please find enclosed the following documents for recording with the Patent and Trademark Office.

1. Recordation Form Cover Sheet - Trademarks;
2. Notice of Grant of Security Interest in Trademarks, executed April 14, 2003, between The Pantry, Inc. and Wachovia Bank, National Association, as Administrative Agent;
3. Check No. 36535 in the amount of Eight Hundred Ninety Dollars (\$890.00); and
4. Postcard acknowledgment of filed Notice of Grant of Security Interest in Trademarks documents.

Sincerely yours,

Moore & Van Allen PLLC



Steven D. Thomas

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" mailing label number EV229692303US  
I hereby certify that this correspondence is addressed to the Commissioner of Patents and Trademarks, BOX ASSIGNMENTS, Washington, DC 20231 and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date noted below.

Kim Oakley  
(Typed or printed name of person mailing paper or fee)

K. Oakley  
(Signature of person mailing papers or fee)

5-1-2003  
(Date of Signature)